

ENTERED

December 14, 2021

Nathan Ochsner, Clerk

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION**

EMMANUEL AVILA,
Petitioner,

v.

ERIC GARZA, ET AL.,
Respondents.

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Civil Action No. 1:21-cv-00056

ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

Before the Court is the "Magistrate Judge's Report and Recommendation" ("R&R") (Dkt. No. 26). The R&R recommends this Court (1) grant "Defendant Kenia Walker's First Amended Motion to Dismiss" ("Motion to Dismiss") (Dkt. No. 23) and (2) dismiss with prejudice Petitioner's claims against Defendant Kenia Walker.

Objections were due December 8, 2021. No objections were filed by either party. If there have been no objections to the magistrate's ruling, then the appropriate standard of review is "clearly erroneous, abuse of discretion and contrary to law." *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989). Finding no clear error, abuse of discretion, or finding contrary to law, the R&R is **ADOPTED**.

Respondent's Motion to Dismiss (Dkt. No. 23) is **GRANTED**, and Petitioner's claims against Defendant Kenia Walker are **DISMISSED WITH PREJUDICE**.

Signed on this 14th day of December, 2021.



Rolando Olvera
United States District Judge